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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 640 OF 2005

Shetmajoor Utkarsha Seva
Sanstha (Regd). ...Appellant.

Vs.

M/s. Kumar Builders & Ors. ...Respondents.

Mr. Rahul S.Kate for appellant.

Mr. Hitesh Jain with Mr. Subhash Jadhav i/by M/s. Udeshi & Udeshi for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th July, 2007

P.C.

1. Both the Courts after considering the provisions of Section 42 of the Maharashtra Slum Area (Improvement, Clearance and Re-development) Act-1971 have rejected the claim, as not maintainable. Section 42 is reproduced as under:-

. "Save as otherwise expressly provided in this act, no civil court shall have jurisdiction in respect of any matter which the Administrator, Competent Authority or Tribunal is empowered under this Act, to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power confirmed by oral under this Act."

2. Considering the scheme, no purpose of the slum Act and in view of the specific bar as created in view of the above provisions, the rejection of claim by the trial court and confirming by the appellate Court is within the framework of law and record.

3. There is nothing to interfere with the concurrent findings given by the courts below based upon the above provisions.

4. Resultantly, the Second Appeal is dismissed.

(ANOOP V. MOHTA, J.)